

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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HENRY NARANJO and
MARLENE RAMIREZ,

CASE NO.: 00-6022-CIV-LENARD
MAGISTRATE: JUDGE TURNOFF

Plaintiffs,

Vs.

STEPHEN BYRONS SMITH
and PALMER JOHNSON, INC.

Defendants.

PLAINTIFFS' NOTICE OF TAKING DEPOSITION DUCE TECUM

TO: F. David Famulari, Esq.
Co-Counsel for Plaintiffs
Underwood, Karcher & Karcher, P.A.
9th Floor, Grove Plaza Building
2900 S.W. 28th Terrace
Miami, Florida 33133
Tel: (305) 446-2300
Fax: (305) 446-5858

Frank J. Sioli, Esq.
Attorneys for PALMER JOHNSON, INC.
VALLE & CRAIG, P.A.
80 SW 8th Street, Suite 2520
Miami, Florida 33130
Tel: (305) 373-2888
Fax: (305) 373-2889

David L. Weber, Esq.
Co-Counsel for PALMER JOHNSON, INC.
Pinkert Law Firm LLP
454 Kentucky Street
P.O. Box 89
Sturgeon Bay, WI 54235
Tel: (920) 743-6505
Fax: (920) 743-2041

John D. Kallen, Esq.
BADIAK, WILL & KALLEN
Attorneys for STEPHEN BYRON SMITH
17071 West Dixie Highway
North Miami Beach, FL 33160
Tel: (305) 945-1851
Fax: (305) 944-8780

TAKE NOTICE that the undersigned attorneys will take the deposition of:

Name & Address: Corporate Representative(s) and/or Records Custodian of
Bradford Marine, Inc. with the most knowledge as to the
following documents and areas of inquiry listed below

Date & Time : Friday, January 12, 2001 at 2:00 p.m.

Place : RIVKIND & PEDRAZA, P.A.
Sixth Floor, Concord Building
66 West Flagler Street
Miami, Florida 33130

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Pursuant to Rule 30, Federal Rules of Civil Procedure, the witness is requested to bring with him/her or produce at this deposition the following described material, documents, and records:

Areas of inquiry and documents Deponent(s) is/are to bring to said deposition are as follows:

1. All documents reflecting any and all repairs, modifications, alterations, changes, change orders and maintenance of the motor yacht SOUVENIR **before the explosion of July 1997.**
2. All documents reflecting any and all repairs, modifications, alterations, structural changes, cosmetic changes, change orders and maintenance of the motor yacht SOUVENIR **after the explosion of July 1997.**
3. All documents reflecting any and all repairs, modifications, alterations, structural changes, cosmetic changes, change orders and maintenance of the motor yacht SOUVENIR **as a result of the explosion of July 1997.**
4. All gas free certificates for the motor yacht SOUVENIR.
5. All diagrams, sketches, blueprints, schematics naval architect prints, plans, elevation plans, wiring plans, bilge plans, exhaust system plans, fuel system plans and all other documents depicting the motor yacht and its structure for both before and after the explosion.
6. All repairs, alterations and maintenance records for the motor yacht SOUVENIR.
7. All contracts for repairs, alterations and maintenance, all bills, invoices, parts inventories, materials used inventory for the motor yacht SOUVENIR.
8. The cause of explosion and all actions taken to prevent said explosion.
9. All actions taken and work done prior to the explosion on the motor yacht SOUVENIR.
10. Any and all documents, photographs, videos, etc. responsive to the Request for Production directed to Bradford Marine, and attached to the October 23, 2000 directed to Shawn B. McKamey, Esq., counsel for Bradford Marine.
11. Legible copies of all invoices, parts, inventories, letters, faxes, instructions, labor inventories, purchase inventories, material inventories, work orders, invoices, bills for serves rendered and work performed, work proposals, change orders,

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Captain's instructions, blue prints, sketches, drawings for all work performed as they pertain to Stephen Byron Smith and/or the motor yacht SOUVENIR formerly KEVALI, account number #02847, including all photographs.

12. Produce legible complete copies of employee, Henry Naranjo, file and files containing payroll records and earnings while employed at Bradford Marine.

Upon oral examination pursuant to Rule 30, Federal Rules of Civil Procedure, before Mocega & Associates, court reporters, or any other Notary Public or officer authorized by law to take depositions in the State of Florida. The oral examination will be recorded stenographically and continue from day to day until completed. The deposition will be taken for the purpose of discovery, for use at trial, or for such other purposes as are permitted under the Federal Rules of Civil Procedure.

Respectfully Submitted,

RIVKIND & PEDRAZA, P.A.
Attorneys for Plaintiffs
Concord Building, Sixth Floor
66 West Flagler Street
Miami, Florida 33130
Telephone: (305) 374-0565


By: 
MANUEL VALDES, ESQ.
Fla. Bar No.: 13307

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been mailed on this 29 day of December, 2000 to all the above named attorneys on record.

RIVKIND & PEDRAZA, P.A.
Attorneys for Plaintiffs
Concord Building, Sixth Floor
66 West Flagler Street
Miami, Florida 33130
Telephone: (305) 374-0565
Facsimile : (305) 539-8341

By: 
MANUEL VALDES, ESQ.
Fla. Bar No.: 13307

cc: Mocega & Associates
25 S.E. 2nd Avenue, Suite #543
Miami, Florida 33131
Tel: (305) 374-0181
Fax: (305) 374-4169

RIVKIND & PEDRAZA, P.A.**ATTORNEYS AT LAW****GEORGE PEDRAZA • BRETT RIVKIND**

SUITE 600
66 WEST FLAGLER STREET
MIAMI, FLORIDA 33130
(305) 374-0565
TELEFAX (305) 539-8341

October 23, 2000

Shawn B. McKamey, Esq.
BILLING, COCHRAN, HEATH, et al.
Post Office Box 21627
Fort Lauderdale, Florida 33335-1627

Re: Naranjo, et al vs. Smith, et al.
Request for Production directed to Bradford

Dear Mr. McKamey:

In response to your letter dated September 20, 2000, enclosed please find an initial request for production directed to Bradford Marine. As you already know, Bradford Marine was dismissed with prejudice and is no longer a party to this action. We believe that the items requested are not privileged and therefore subject to discovery.

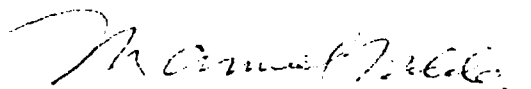
Please go through the requested items 1 through 10 and let me know if you would agree to produce same without the necessity of filing a motion with the Court.

Upon receipt of this letter and request, please call me so that we can discuss the matter in greater detail.

Thank you for your courtesies in the above matter.

Very truly yours,

RIVKIND & PEDRAZA, P.A.



MANUEL VALDES, ESQ.
MV:mcc

Enclosure

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.

HENRY NARANJO and
MARLENE RAMIREZ,

Plaintiff(s),

vs.

STEPHEN BYRON SMITH,

Defendant(s).

STEPHEN BYRON SMITH,

Defendant/
Third-Party Plaintiff,

vs.

BRADFORD MARINE, INC.,

Third Party Defendant.

_____ /

**REQUEST FOR PRODUCTION
TO THIRD PARTY DEFENDANT
BRADFORD MARINE, INC.**

COME NOW the Plaintiffs, HENRY NARANJO and MARLENE RAMIREZ, by and through undersigned counsel and pursuant to Rule 34 of the Federal Rules of Civil Procedure, and requests the Third-Party Defendant **BRADFORD MARINE, INC.**, to produce and permit the inspection, copying or photographing by or on behalf of the Plaintiffs, of the following documents, on the grounds that the Defendant has the possession, custody and control of each of the documents hereinafter mentioned, and further that each of the documents constitutes or contains evidence relevant and material to the matter involved in this cause, as is seen more fully from an inspection of the pleadings herein.

The documents are to be produced at the Law Offices of Underwood, Karcher & Karcher, P.A., 2900 S.W. 28th Terrace, 6th Floor, Grove Plaza Building, Miami, Florida 33133, within thirty (30) days after service of this Request to Produce.

This Request for Production is to be deemed continuing in nature; therefore, any further information received by said Defendant subsequent to the service of Response to this Request for Production shall be supplied to the Plaintiffs as supplemental responses without delay.

In answering this Request for Production you are required to furnish all information and documents available to you, including information in the possession of your attorney, accountant, or any person acting in your behalf. If you cannot produce any document or respond to any particular Request in full, after exercising due diligence to secure the information sought, so state and respond to the extent possible specifying your inability to produce the remainder.

DEFINITIONS. Unless otherwise indicated, the following definitions shall be applicable to this Request for Production:

"YOU" or "YOUR" shall mean the Third-Party Defendant and each of their attorneys, employees, agents, representatives and all other persons acting on their behalf.

"PERSON" shall mean any individual, partnership, firm, association, corporation or other business, governmental or legal entity.

"DOCUMENT" shall mean any written, recorded, transcribed, punched, taped, filmed or graphic matter of any kind or description, however produced or reproduced.

"ADDRESS" shall mean the street number, street, city and state of each subject person, business or other entity.

"STATEMENT" shall mean a written statement signed or otherwise adopted or approved by the person making it or the stenographic, mechanical, electrical or other recording, or a transcript thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded, or detailed notes of a conversation approved by the person involved therein.

"EXAMINATION" shall include both physical examination and diagnostic examination by x-ray, MRI, CAT-SCAN, or other diagnostic testing or examination technology.

The documents to be produced are:

1. A clear and legible copy of any and all contracts for maintenance, repairs, and alterations.
2. A clear and legible copy of any and all repair records, maintenance records, alteration records, work orders, change orders, work sheets.

3. A clear and legible copy of any and all blueprints, ship's blueprints, diagrams, schematics, layouts, manufacturer's specifications for the vessel, Classification Society Certificates.
4. A clear and legible copy of any and all checks paying for all ship services, maintenance, repairs, alterations.
5. A clear and legible copy of any and all final bills, invoices, receipts, parts inventories, repair inventory, all computerized lists detailing all work and parts replaced, repaired, or altered.
6. A clear and legible copy of any and all faxes, letters, correspondence, notes, memoranda, instructions, work authorizations from STEPHEN BYRON SMITH and/or his agents, as they pertain to the M/V "Souvenir."
7. A clear and legible copy of any and all photographs, videos depicting the vessel prior to the explosion of July 7, 1997.
8. A clear and legible copy of any and all photographs, digital photographs, videos depicting the vessel while at BRADFORD MARINE for repairs, maintenance or alterations.
9. A clear and legible copy of any and all photographs, digital photographs, videos depicting the vessel after the explosion of July 7, 1997.
10. A clear and legible copy of any and all surveyors' reports pre-accident, all surveyors' reports post accident, all chemical reports, all gas-free certificates.

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that a true and correct copy of the foregoing was mailed this _____ day of February, 2000, to:

John D. Kallen, Esquire
Badiak, Will & Kallen
Attorneys for Stephen Byron Smith
17071 West Dixie Highway
North Miami Beach, FL 33160
Tel: 305/945-1851
Fax: 305/944-8780

Respectfully submitted,

LAW OFFICES OF JOHN W. BURKE, P.A.
Manuel Valdes, Esquire
Co-Counsel for Plaintiff
Suite 330, Ocean Bank Building
782 N.W. 42nd Avenue
Miami, FL 33126
Tel: 305/858-6000 Fax: 305/445-0404

BY: _____
MANUEL VALDES, ESQUIRE
Fla. Bar No.13307

and

UNDERWOOD, KARCHER & KARCHER, P.A.
F. David Famulari, Esquire
Co-Counsel for Plaintiff
6th Floor, Grove Plaza Building
2900 S. W. 28th Terrace
Miami, Florida 33133
Tel: 305/446-2300 Fax: 305/ 446-5858

BY: _____
F. DAVID FAMULARI, ESQUIRE
FLA. BAR NO. 0860506